

8

ORDINANCE NO. 2262

AN ORDINANCE AMENDING SECTION 12.01.050 OF THE DAVIS MUNICIPAL CODE CONCERNING THE DISCLOSURE OF CAMPAIGN CONTRIBUTIONS OF MORE THAN TWENTY-FIVE DOLLARS

WHEREAS, Section 12.01.050(a)(6) of the Davis Municipal Code currently provides that candidates for elected city office and their committees are required to disclose contributions from a person of more than twenty-five dollars; and

WHEREAS, other committees, such as those formed to support or oppose city ballot measures, are required to disclose contributions from a person of more than one hundred dollars; and

WHEREAS, the City Council of the City of Davis desires to require the same disclosure for all candidates and committees.

THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12.01.050(a)(6) of the Davis Municipal Code is hereby amended to read as follows:

"(6) If the cumulative amount of contributions (including loans) received from a person is more than twenty-five dollars and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following:

- (A) His or her full name,
- (B) His or her street address,
- (C) His or her occupation,
- (D) The name of his or her employer or, if self-employed, the name of the business,
- (E) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan, and
- (F) The cumulative amount of contributions;"

INTRODUCED on July 25, 2006, and PASSED AND ADOPTED by the City Council of the City of Davis on this first day of August 2006 by the following vote:

AYES: Asmundson, Heystek, Saylor, Souza, Greenwald
NOES: None
ABSENT: None

(d)(5)

Sue Greenwald
Mayor

ATTEST:

(d)(5)

Margaret Roberts, CMC
City Clerk

ORDINANCE NO. 1926

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
DAVIS AMENDING CHAPTER 8A OF THE DAVIS MUNICIPAL
CODE HAVING TO DO WITH ELECTION CAMPAIGN LIMITATIONS
AND REPORTING REQUIREMENTS FOR INDEPENDENT
EXPENDITURE COMMITTEES AND TO ADD NOTICE
REQUIREMENTS FOR INDEPENDENT EXPENDITURES FOR
MAILERS AND ADVERTISEMENTS APPLICABLE TO CITY
COUNCIL ELECTIONS.

WHEREAS, the City Council finds and declares that the City's campaign contribution ordinance, including, but not limited to, the disclosure requirements and campaign contribution limitations, has greatly contributed to an open and fair political process, has increased public participation in city elections, and has decreased the public perception of undue or unfair influence in city elections by large contributors; and

WHEREAS, recently, independent committees have become a larger participant in city elections and have caused the public to question whether candidates for office are unduly influenced by large contributions made to independent committees; and

WHEREAS, the public interest in open and fair elections will be enhanced by limiting contributions to independent committees that support or oppose candidates for office in city elections; and

WHEREAS, the public interest in open and fair elections will be enhanced by removing any unfair surprise to candidates for office by independent expenditures made by independent committees in support of or opposition to a candidate through pre-notice of mailers and expenditures in support of or opposition to candidates by independent expenditure committees; and

WHEREAS, the amendments contained in this ordinance will enhance the public participation in city elections and promote fair and open elections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES ORDAIN AS FOLLOWS:

Section 1. Section 8A-2(f) of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

(f) "Committee" means any person or combination of persons who directly or indirectly:

(1) Receive contributions totaling two hundred fifty dollars (\$250) or more in a calendar year; or

(2) Makes independent expenditures totaling two hundred fifty dollars (\$250) or more in a calendar year; or

(3) Makes contributions of two hundred fifty dollars (\$250) or more in a calendar year to or at the behest of candidates or committees.

Section 2. Section 8A-2(r) is hereby added to Chapter 8A of the Davis Municipal Code to read as follows:

2(r) "Slate mailer" means any mass mailing for or against one or more candidates or ballot measures.

Section 3. Section 8A-3.5 of Chapter 8A of the "Davis Municipal Code is hereby added to read as follows:

Sec. 8A-3.5 Limitations on contributions by persons to independent committees that support or oppose candidates.

(a) No person shall make, or no person or committee shall solicit, contributions in excess of one hundred dollars (\$100) from any person in any single candidacy period for or to a committee which makes independent expenditures of two hundred fifty dollars (\$250) or more in support or in opposition to any candidate.

(b) No committee which makes independent expenditures of two hundred fifty dollars (\$250) or more in support of or in opposition to any candidate shall accept any contribution in excess of one hundred dollars (\$100) from any person in any single candidacy period.

Section 4. Section 8A-5(a) of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

Sec. 8A-5 Campaign Statement

(a) Each candidate and committee shall file with the city clerk within the times specified in subsection (c) of this section an original and one copy of campaign statements. When the city's technology allows, each candidate and committee shall have the option to file electronically. When electronic filing is available, the city clerk shall notify each candidate and committee with current filing obligations. Each campaign statement shall contain the following information:

Section 5. Section 8A-5.5 is hereby added to Chapter 8A of the Davis Municipal Code to read as follows:

Sec. 8A-5.5. Notice of Independent Expenditures.

Any committee that makes independent expenditures of two hundred fifty dollars (\$250) or more in support or in opposition to any candidate shall notify the city clerk and all candidates running for the same seat within 24 hours by facsimile transmission, overnight delivery, or personal delivery each time this \$250 dollar threshold is met. This notice shall include a copy of any mailing or advertisement produced, if applicable.

Section 6. Section 8A-6 of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

Sec. 8A-6. Declaration in lieu of campaign statement

If a candidate or committee has received contributions totaling less than two hundred dollars (\$200) and has made expenditures less than one hundred dollars (\$100), the candidate or committee treasurer may, in lieu of filing a campaign statement under section 8A-5, file, at the time established in subsection (c) or section 8A-5, an original verified declaration and one copy with the city clerk that to the best of his or her knowledge, not more than two hundred dollars (\$200) has been received in contributions and not more than one hundred dollars (\$100) has been expended on behalf of, in support or in opposition to a candidacy or measure.

Section 7. Section 8A-8 of Chapter 8A of the Davis Municipal Code is hereby amended to read as follows:

Sec. 8A-8. Requirements for mass mailing.

(a) If a candidate or committee sends a mass mailing, the name, street address, and city of the candidate or committee must be shown on the outside of each piece of mail in the mass mailing and on at least one of the inserts included within each piece of mail.

(b) If the sender of the mass mailing is a single candidate or committee, the name, street address, and the city of the candidate or committee need only be shown on the outside of each piece of mail.

(c) The information required by this section must appear on the envelope and insert in at least eight-point type, and in a printed or drawn box set apart from any other printed matter (Ord. No. 1624, §1 (part).)

(d) If a candidate or committee sends a slate mailer, it must comply with the notice requirements set out in Government Code §84305.5 and/or City Code Section 8A-5-5, if applicable.

PASSED AND ADOPTED THIS 11TH DAY OF FEBRUARY, 1998, BY THE
FOLLOWING VOTE:

AYES: Boyd, Forbes, Kaneko, Partansky, Wolk.

NOES: None.

ABSENT: None.

(d)(5)

LOIS WOLK, Mayor

ATTEST:

(d)(5)

BETTE E. RACKI, City Clerk